

Notice of Agency Rule-making Proposal

AGENCY: Department of Environmental Protection

RULE TITLE OR SUBJECT: Chapter 315: Assessing and Mitigating Impacts to Existing Scenic and Aesthetic Uses

PROPOSED RULE NUMBER:

CONCISE SUMMARY: In the Natural Resources Protection Act (NRPA), Title 38 Sections 480-A through Z, the Legislature has found and declared that Maine's protected natural resources are resources of state significance. Section 480-A states that these resources have great scenic beauty and unique characteristics, unsurpassed recreational, cultural, historical, and environmental value of present and future benefit to the citizens of the State and that uses are causing the rapid degradation and, in some cases, the destruction of these critical resources.

Applicants for permits under the NRPA are required to demonstrate that a proposed project meets the standards of the NRPA that have been established by the Legislature. Standard 1 in Section 480-D of the NRPA requires an applicant to demonstrate that a proposed activity will not unreasonably interfere with existing scenic and aesthetic uses. This requirement recognizes that environmental aesthetic values are shared among the general population.

This rule defines State regulatory concerns and differentiates them from local concerns, defines scenic and aesthetic impacts and associated vocabulary, provides direction for evaluating scenic and aesthetic impacts generated from proposed projects, describes when a visual assessment is necessary, describes the components of a visual assessment when required, and defines avoidance, mitigation and offset measures that eliminate or reduce adverse impacts to existing scenic and aesthetic uses.

THIS RULE WILL__ WILL NOT_X_ HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 38 M.R.S.A. Section 480-A

PUBLIC HEARING: April 3, 2003; 1:30 P.M.; Holiday Inn/Ground Round, Augusta

DEADLINE FOR COMMENTS: April 14, 2003

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